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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,174	09/29/2005	Takatoshi Hirose	00862.023671.	4239
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MURRAY, DANIEL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,174	HIROSE, TAKATOSHI	
	Examiner	Art Unit	
	DANIEL C. MURRAY	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 DEC 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 3-11, and 13-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 13AUG2008, 10NOV2008.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 29DEC2008. **Claims 1, 3-11, and 13-14** are now pending in the present application. **This Action is made FINAL.**
2. **Claim 12** was canceled by Applicant.

Information Disclosure Statement

3. The information disclosure statements submitted on 13AUG2008 and 10NOV2008 have been considered by the Examiner and made of record in the application.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: **Claim 12** lacks antecedent basis for the claimed terminology "computer program product", "computer usable medium", and "control logic".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 1, 3, 6-11, and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)**.

a) Consider **claim 1**, Asoh et al. clearly show and disclose, a connection control method for an information processing apparatus, comprising: a reception step of receiving identification information for identifying each wireless network of a plurality of wireless networks (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); a first joining step of wirelessly joining a wireless network identified by the identification information received in the reception step (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); a second joining step of joining another wireless network identified by the identification information received in the reception step, if another information processing apparatus is not detected in the detection step, wherein the detection step is executed again in the wireless network joined in the second joining step and the request step is executed in accordance with a result of the detection step (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015], [0020], [0023]). However, Asoh et al. does not specifically disclose a detection step of inquiring, of other information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses are capable of performing a predetermined processing, and, based on a positive inquiry response, detecting

another information processing apparatus capable of performing the predetermined processing, or a request step of requesting the predetermined processing from the other information processing apparatus, if the other information processing apparatus is detected in the detection step.

Ohta shows and discloses printing at a convenient location, and more particularly related to a system for and method of printing information at a conveniently located printer station that is selected in a predetermined area wherein, Ohta discloses a detection step of inquiring, of other information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses are capable of performing a predetermined processing, and, based on a positive inquiry response, detecting another information processing apparatus capable of performing the predetermined processing (abstract, Paragraph [0007], [0040]) and a request step of requesting the predetermined processing from the other information processing apparatus, if the other information processing apparatus is detected in the detection step (abstract, Paragraph [0007], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Ohta into the system of Asoh et al. for the purpose of locating a print station on a network.

b) Consider **claim 3**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 1, wherein, in the request step, the predetermined processing is requested from another information processing apparatus that has first positively responded to the inquiry (Ohta; abstract, paragraph [0045]).

c) Consider **claim 6**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 1, wherein in the detection step, it is

inquired whether all other information processing apparatuses in a same network are capable of performing the predetermined processing (Ohta; abstract, paragraph [0045]).

d) Consider **claim 7**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 1, wherein the information processing apparatus wirelessly communicates according to a wireless LAN method defined by IEEE 802.11 (paragraph [0082]).

e) Consider **claim 8**, and **as applied to claim 7 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an infrastructure mode defined by IEEE 802.11(paragraph [0082]).

f) Consider **claim 9**, and **as applied to claim 7 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 7, wherein the information processing apparatus wirelessly communicates in a communication mode according to an ad-hoc mode defined by IEEE 802.11(paragraph [0082]).

g) Consider **claim 10**, Asoh et al. clearly show and disclose, an information processing apparatus comprising: reception means for receiving identification information for identifying each wireless network of a plurality of wireless networks (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); first joining means for wirelessly joining a wireless network identified by the identification information received by the reception means (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); and second joining means for joining another wireless network identified by the identification information received by the reception means, if the other information processing apparatus is not detected by the detection means, wherein the detection means is activated again in the wireless network joined by the second joining means and the request

means is activated in accordance with a result of the detection means (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015], [0020], [0023]).

However, Asoh et al. does not specifically disclose detection means for inquiring, of other information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses are capable of performing a predetermined processing, and, based on a positive inquiry response, detecting another information processing apparatus capable of performing the predetermined processing and request means for requesting the predetermined processing from the other information processing apparatus, if the other information processing apparatus is detected by the detection means.

Ohta shows and discloses printing at a convenient location, and more particularly related to a system for and method of printing information at a conveniently located printer station that is selected in a predetermined area wherein, Ohta discloses disclose detection means for inquiring, of other information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses are capable of performing a predetermined processing, and, based on a positive inquiry response, detecting another information processing apparatus capable of performing the predetermined processing (abstract, Paragraph [0007], [0040]) and a request means for requesting the predetermined processing from the other information processing apparatus, if the other information processing apparatus is detected by the detection means (abstract, Paragraph [0007], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Ohta into the system of Asoh et al. for the purpose of locating a print station on a network.

h) Consider **claim 11**, Asoh et al. clearly show and disclose, a computer program product comprising a computer usable medium having control logic stored therein for causing a computer to control a connection of an information processing apparatus, wherein the control logic causes the computer to implement a method comprising: a reception step of receiving identification information for identifying each wireless network out of a plurality of wireless networks (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); a first joining step of wirelessly joining in a wireless network identified by the identification information received in the reception step (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015]); and a second joining step of joining in another wireless network identified by the other identification information received in the reception step, if another information processing apparatus is not detected in the detection step, wherein the detection step is executed again in the wireless network joined in the second joining step and the request step is executed in accordance with a result of detection (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015], [0020], [0023]).

However, Asoh et al. does not specifically disclose a detection step of inquiring, of other information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses have a function of performing predetermined processing, and, based on a positive inquiry response, detecting another information processing apparatus capable of performing the predetermined processing and a request step of requesting the predetermined processing for the other information processing apparatus, if the other information processing apparatus is detected in the detection step.

Ohta shows and discloses printing at a convenient location, and more particularly related to a system for and method of printing information at a conveniently located printer station that is selected in a predetermined area wherein, Ohta discloses a detection step of inquiring, of other

information processing apparatuses in the wirelessly joined wireless network, whether the other information processing apparatuses have a function of performing predetermined processing, and, based on a positive inquiry response, detecting another information processing apparatus capable of performing the predetermined processing (abstract, Paragraph [0007], [0040]) and a request step of requesting the predetermined processing for the other information processing apparatus, if the other information processing apparatus is detected in the detection step (abstract, Paragraph [0007], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Ohta into the system of Asoh et al. for the purpose of locating a print station on a network.

i) Consider **claim 13**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 1, wherein in the request step, another information processing apparatus capable of performing the predetermined processing is connected and the predetermined processing is requested (Ohta; abstract, paragraph [0007], [0040], [0045]).

j) Consider **claim 14**, and **as applied to claim 13 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 13, wherein in the request step, the predetermined processing requested from another information processing apparatus that has positively responded to the inquiry (Ohta; abstract, paragraph [0007], [0040], [0045]).

8. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Asoh et al. (US Patent Publication # US 2004/0003060 A1)** in view of **Ohta (US Patent Publication # US 2001/0029531 A1)** and in further view of **Suda et al. (US Patent # 6,157,465)**.

a) Consider **claim 4**, and **as applied to claim 3 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 3. However, Asoh et al. as modified by Ohta does not specifically disclose in the request step, when the predetermined processing performed by the other information processing apparatus that has first positively responded to the inquiry ends as an error, the predetermined processing is requested from yet another information processing apparatus that has positively responded to the inquiry.

Suda et al. show and disclose a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be performed by another printer, it transfers the job to that printer, wherein in the request step, when the predetermined processing performed by the other information processing apparatus that has first positively responded to the inquiry ends as an error, the predetermined processing is requested from yet another information processing apparatus that has positively responded to the inquiry (column 20 lines 41-60, column 21 lines 27-37).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda et al. into the system of Asoh et al. as modified by Ohta et al. for the purpose of transferring a job to another device if an error occurs in the device originally executing the job.

b) Consider **claim 5**, and **as applied to claim 1 above**, Asoh et al. as modified by Ohta clearly show and disclose, the method according to claim 1. However, Asoh et al. as modified by

Ohta does not specifically disclose in the detection step, when the response to the inquiry is a negative response or no response exists, it is determined that there is no other information processing apparatus capable pf performing the predetermined processing.

Suda et al. show and disclose a printer that is instructed to perform a printing job analyzes the job and determines a process to be executed, and identifies the performances of the printer and other printers and their states. Based on the results of the analysis and on the states of the printers, the printer decides whether it should not perform a process or whether the process should be performed by another printer. It also decides whether a process is unnecessary or is not permitted for a user, and halts the performance of such a process. When it determines that a process should be performed by another printer, it transfers the job to that printer, wherein in the detection step, when the response to the inquiry is a negative response or no response exists, it is determined that there is no other information processing apparatus capable pf performing the predetermined processing (abstract, column 19 lines 52-64, column 20 lines 41-60).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Suda et al. into the system of Asoh et al. as modified by Ohta et al. for the purpose of locating a device capable of performing a predetermined process.

Response to Arguments

9. Applicant's arguments filed 29DEC2008 have been fully considered but they are not persuasive.

Applicant argues that "Asoh et al. is silent regarding joining another network based on a response to a request for the predetermined processing", that "Ohta is silent regarding joining

another network based on a response to a request for a predetermined processing”, and that “Suda et al. is silent regarding joining another network based on a response to a request for a predetermined processing”

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Asho et al. clearly discloses detecting and joining a network selected from a plurality of networks (Asho; figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015], [0020], [0023]). Ohta et al. clearly discloses detecting and selecting a particular processing device from among a plurality of capable processing devices (figure 4, figure 10, abstract, paragraph [0012], [0013], [0014], [0015], [0020], [0023]). Suda et al. clearly discloses disclose detecting and selecting a particular processing device among a plurality of processing devices detected capable of performing the predetermined processing and selecting another device from among the capable processing devices should an error occur or the device be incapable of performing the processing (abstract, column 19 lines 52-64, column 20 lines 41-60)(although not previously cited Ohta et al. discloses similar features (paragraph [0037], [0066])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Suda et al. into the system of Asho et al. as modified by Ohta et al. for the purpose of joining another network based on a response to a request for the predetermined processing. It would have been obvious to join a network, search for a processing device on that network. If no device capable of performing the processing it would have been obvious to try another network and repeat the process of searching for another processing device.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 7,440,459 B2
- US 7,502,855 B2
- US 2006/0183477 A1
- US 2006/0111103 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DCM/
Examiner, Art Unit 2443

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443